IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 10019 of 2006

For Approval and Signature:

HONOURABLE MR.JUSTICE RAVI R.TRIPATHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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SHABBIR ISMAIL KASUJI - Petitioner(s)
Versus
STATE OF GUJARAT & 4 - Respondent(s)

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Appearance :
MR PARESH UPADHYAY for the Petitioner
MS PAURAMI B SHETH, ASSISTANT GOVERNMENT PLEADER for the Respondents

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CORAM : HONOURABLE MR.JUSTICE RAVI R.TRIPATHI

Date : 06/07/2006

ORAL JUDGMENT

1. **RULE**. Ms.Paurami B.Sheth, learned Assistant Government Pleader waives service of rule on behalf of the respondents.

2. Present petition is filed seeking quashing and setting aside orders dated 16.09.2004 (Annexure-A) passed by the Collector, dated 10.01.2005 (Annexure0B) passed by the Additional Director (Appeals), Geology and Mining

Department and dated 29.11.2005 (Annexure-C) passed by the Government.

3. Instead of going deeper into the matter, only on the short ground that an inadvertent mistake crept in the first stage of deciding the matter, viz. the land owner/permit holder after served with the notice, had filed a representation, but the Collector proceeded on the basis as if there was no representation filed by the land owner/permit holder, the petition is considered.

4. Learned advocate for the petitioner could satisfactorily point out to the Court that the notice which is referred to and relied upon by the Collector was replied by the land owner/permit holder by making representation, but then the same was not considered as the Collector was under an impression that no representation is made.

5. The Collector is directed to consider the case afresh after taking into consideration the representation made by the land owner/permit holder in accordance with law. The impugned orders are quashed and set aside. Rule is made absolute with no order as to costs.

(RAVI R.TRIPATHI, J.)

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